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MEMORANDUM

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TO: Docket Control
Arizona Corporation Commission

AZ CORP COMMISSION
DOCUMENT CONTROL

FROM: Deborah R. Scott
Director
Utilities Division

DATE: July 17, 2001

RE: **COMPLIANCE TO DECISION NO. 63669** - REQUEST FOR
EXTENSION OF TIME. (DOCKET NO. T-03608A-98-0442)

On June 22, 2001, Arizona Dial Tone, Inc. (ADT) submitted correspondence requesting an extension of time to comply with conditions in the decision granting ADT authority to provide resold local exchange and interexchange telecommunications services (Decision No. 63669). ADT's CC&N was conditioned on the Company filing conforming tariffs within 30 days of the effective date of the Commission's Decision. ADT did not comply and its certificate was void without further order of the Commission. ADT mentions that it is revising its tariffs to reflect the addition of new products and services. Therefore, ADT requires additional time to comply with the Decision. Staff has no objections to this request.

Originator: Anthony Gatto

Enc.

Arizona Corporation Commission

DOCKETED

JUL 18 2001

DOCKETED BY	
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MORRILL & ARONSON P.L.C.
ATTORNEYS AT LAW

ORIGINAL

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FILE NUMBER
36063-0100

June 22, 2001

HAND DELIVERED

DOCKET CONTROL
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Arizona Corporation Commission
DOCKETED

JUN 22 2001

RE: ARIZONA DIAL TONE, INC.
DOCKET NO. T-03608A-98-0442

DOCKETED BY	
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Dear Docket Control:

This is a request for a forty-five day extension of time to file a conforming tariff. In the Commission's May 24, 2001 Decision approving Arizona Dial Tone's CC&N as a reseller competing LEC, the Commission adopted the Staff Recommendation given in paragraph 14(a) of the Decision which requires Arizona Dial Tone to file conforming tariffs within thirty days of the Order. From previous conversations with Anthony Gatto of the ACC Staff who had prepared the Staff Recommendations, we had understood this provision to mean that the conforming tariffs had to be filed if the Commission ordered changes to the tariffs that were already submitted as part of the CC&N application. And, because there were no changes to the tariff ordered in the Commission's Decision, it was our understanding that an additional filing of the already submitted tariff was not required. However, now after having a conversation with Pat Williams of the Commission's Staff Compliance Department today, we understand that he interprets this provision as requiring an additional filing of the tariff whether or not changes were required by the Order.

Arizona Dial Tone has complied with the other requirements of the Order including filing of the \$25,000 bond, and providing notice of the date that they began service. But they have not yet made the filing of the additional copy of the tariff.

DOCKET CONTROL
Utilities Division
Arizona Corporation Commission
June 22, 2001
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We request that the Commission provide a forty-five day extension for filing the conforming tariff. Arizona Dial Tone's original tariff contained only a single rate as allowed by the Commission's rules. However, they are currently drafting a tariff with pricing provisions that include the optional methodology of setting forth the current rates charged along with a maximum rate for their services. This task has turned out to be more complex than originally envisioned, because they provide resold services within multiple QWest and Citizens service areas with different wholesale pricing levels and pricing schemes provided by the ILECs. The drafting of their actual and maximum rate levels in their tariff has become more complex than they originally envisioned.

Wherefore, Arizona Dial Tone, Inc. hereby requests that they be provided an additional forty-five days to submit their conforming tariffs which will include the two pricing levels so this matter can be done properly with a single filing instead of filing a mere duplicate of the tariff that was included in their application and then shortly thereafter filing the revised tariff with the multiple pricing levels. This request would extend the date for filing of the conforming tariff to August 8, 2001.

Respectfully submitted,

MORRILL & ARONSON, P.L.C.



William D. Cleaveland

WDC/lm

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER



BRIAN C. McNEIL
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

June 26, 2001

Mr. William D. Cleveland
MORILL & ARONSON, P.L.C.
One East Camelback Road, Suite 340
Phoenix, Arizona 85012-1648

Dear Mr. Cleveland:

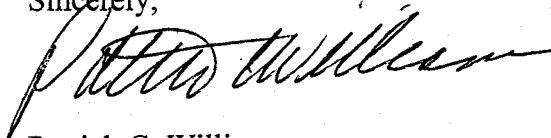
In Decision No.63669, dated May 24, 2001, the Arizona Corporation Commission (Commission) conditionally approved the Certificate of Convenience and Necessity and tariffs on Arizona Dial Tone, Inc. (Company), filing within 18 months of the date the Company first provides service, Fair Value Rate Base information which shall include a dollar amount representing the total revenue for the first twelve months of telecommunications service provided to Arizona customers following certification, adjusted to reflect the maximum rates that the Company requests in its tariff. This adjusted total revenue figure could be calculated as the number of units sold for all services offered times the maximum charge per unit. Also file Fair Value Rate Base information detailing the total actual operating expenses for the first twelve months of telecommunications service provided to Arizona customers by the Company following certification. Also file information which includes a description and value of all assets, including plant, equipment, and office supplies to be used to provide telecommunications service to Arizona customers for the first twelve months following Certification. Failure to meet this condition will result in the expiration of the Certificate and the tariffs.

On June 22, 2001, the Company filed a letter notifying the Commission that it began providing service on September 8, 1998. That would make the above compliance due on March 31, 2000. Based on this, the Certificate of Convenience and Necessity is void. I don't believe the Commission was aware of the date the Company commenced service, or it would not have made the above ordering provision so definitive. I would suggest that the Company immediately provide the information and request an extension of time to comply to the date that it actually files the information. File the information and the request with: Docket Control, Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007.

Mr. Cleveland
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If you have any questions, or you believe this to be in error, please call me at 602-542-0818.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick C. Williams". The signature is fluid and cursive, with a large initial "P" and "W".

Patrick C. Williams
Manager, Compliance and Enforcement
Utilities Division

PCW: